

11/06/96

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SYSTEMS AND METHODS FOR AUTOMATIC APPLICATION  
VERSION UPGRADING AND MAINTENANCE

the specification of which (check one)

☐ is attached hereto.

☒ was filed on September 5, 1996 as United States Application

Number or PCT International Application Serial No. 08/707,622

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Not Claim
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(Status, patented, pending, abandoned)
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(Application Serial No.)	(Filing date)	(Status, patented, pending, abandoned)
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(Application Serial No.)	(Filing date)	(Status, patented, pending, abandoned)
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(Application Serial No.)	(Filing date)	(Status, patented, pending, abandoned)
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As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the following attorney(s) and/or agent(s) to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states:

9	David E. Brook	Reg. No. 22,592	Thomas O. Hoover	Reg. No. 32,470
	James M. Smith	Reg. No. <u>28,043</u>	Alice O. Carroll	Reg. No. <u>33,542</u>
	Leo R. Reynolds	Reg. No. 20,884	N. Scott Pierce	Reg. No. <u>34,900</u>
	Patricia Granahan	Reg. No. <u>32,227</u>	Richard A. Wise	Reg. No. <u>18,041</u>
	Mary Lou Wakimura	Reg. No. <u>31,804</u>		

all of Hamilton, Brook, Smith and Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02173;

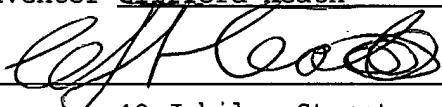
and

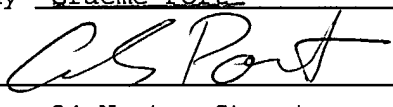
Send correspondence to: James M. Smith, Esq.  
Hamilton, Brook, Smith & Reynolds, P.C.  
Two Militia Drive, Lexington, MA 02173

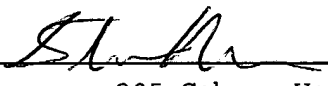
Direct telephone calls to: James M. Smith, Esq.

(617) 861-6240

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of sole 1-0  
or first inventor Clifford Heath  
Inventor's  
Signature  Date 25/10/96  
Residence 49 Jubilee Street  
Mount Waverly VIC *Aux*  
Australia  
Citizenship Australian Citizen  
Post Office Address Same as above  
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inventor, if any Graeme Port  
Inventor's  
Signature  Date 24/10/96  
Residence 24 Newton Street  
Surrey Hills VIC 3134 *Aux*  
Australia  
Citizenship Australian Citizen  
Post Office Address Same as above  
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Full name of third joint 3-0  
inventor, if any Steven Klos  
Inventor's  
Signature  Date 10/10/96  
Residence 205 Coburn Woods  
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Citizenship U.S.A.  
Post Office Address Same as above  
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inventor, if any Graeme Greenhill  
Inventor's  
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Londonderry, New Hampshire 03053 NH  
Citizenship Australian Citizen  
Post Office Address Same as above  
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Full name of fifth joint  
inventor, if any \_\_\_\_\_  
Inventor's  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_  
\_\_\_\_\_  
Citizenship \_\_\_\_\_  
Post Office Address \_\_\_\_\_  
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Full name of sixth joint  
inventor, if any \_\_\_\_\_  
Inventor's  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_  
\_\_\_\_\_  
Citizenship \_\_\_\_\_  
Post Office Address \_\_\_\_\_  
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Full name of seventh joint  
inventor, if any \_\_\_\_\_  
Inventor's  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_  
\_\_\_\_\_  
Citizenship \_\_\_\_\_  
Post Office Address \_\_\_\_\_  
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# VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS

(37 CFR 1.9(f) & 1.27(c))-SMALL BUSINESS CONCERN

DC PATENT NUMBER: OSA96-01

Applicant or Patentee: Clifford Heath, Graeme Port, Steven Klos and Graeme Greenhill

Serial or Patent No.: 08/707,622

Filed or Issued: September 5, 1996

Title: SYSTEMS AND METHODS FOR AUTOMATIC APPLICATION VERSION UPGRADING AND MAINTENANCE

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Open Software Associates Ltd.

ADDRESS OF SMALL BUSINESS CONCERN 29 Ringwood Street, P.O. Box 4414

Ringwood, Victoria 3134 Australia

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern or organization is listed below.

Open Software Associates, Inc

20 Trafalgar Square, 5th Floor

Nashua, New Hampshire 03063

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING INORANI THARMANASON

TITLE OF PERSON IF OTHER THAN OWNER COMPANY SECRETARY

ADDRESS OF PERSON SIGNING 24 NEWTON STREET SURREY HILLS VICTORIA 3127 AUSTRALIA

SIGNATURE

DATE

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))-SMALL BUSINESS CONCERN**

**DOCUMENT NUMBER: OSA96-01**

Applicant or Patentee: Clifford Heath, Graeme Port, Steven Klos and Graeme Greenhill

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☒ an official of the small business concern empowered to act on behalf of the concern identified below:

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ADDRESS OF SMALL BUSINESS CONCERN 20 Trafalgar Square, 5th Floor

Nashua, New Hampshire 03063

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I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

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Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern or organization is listed below.

Open Software Associates Ltd.

29 Ringwood Street, P.O. Box 4414

Ringwood, Victoria 3134 Australia

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NAME OF PERSON SIGNING Graeme Greenhill

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING Open Software Associates, Inc., 20 Trafalgar Square, 5th Floor, Nashua, NH 03063

SIGNATURE

DATE

10/10/96